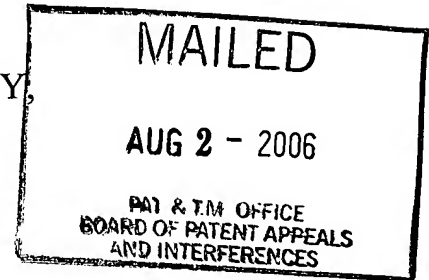


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte THOMAS D. KENNEDY,
MARVIN R. HAVENS,
DREW V. SPEER,
CHARLES R. BARMORE,
R. KARINA ESPINEL and
JEFFREY A. THOMAS



Application No. 10/689,146

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on July 26, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

On February 21, 2006, an Examiner's Answer was entered into the record. In the Evidence Relied Upon section, page 2, paragraph 8, the examiner has stated that "No evidence is relied upon by the examiner in the rejection of the claims under appeal." A review of the file reveals that references to Speer et al., Harvey et al., Inoue, and Khali were applied to the statement of rejections in the Grounds of Rejection, paragraph (9) of the examiner's answer. Before further review, the examiner must submit a corrected examiner's answer that will include in the Evidence Relied Upon section, the list of references mentioned in the statement of rejections. See the Manual of Patent Examining Procedure, (MPEP) 1207.02. Appropriate correction is required.

Accordingly, it is


ORDERED that the application is returned to the Examiner for:

1) vacate the Examiner's Answer mailed February 21, 2006, and issue a revised Examiner's Answer having the missing references listed under the Evidence Relied Upon section, paragraph (8); and

Application No. 10/689,146

2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
DALE M. SHAW
Deputy Chief Appeal Administrator
(571) 272-9797

DMS/dal

Application No. 10/689,146

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